IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Crl.Rev.Pet.No. 121 of 200

(Against the Judgment dated 27-10-2006 passed by the Third Addl. Sessions Judge, Kollam in Crl. Appeal No.234/2006 and against the judgment in C.C No.1825/2002 of the JFCM Court-II Kollam

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REVN. PETITIONER: APPELLANT/ACCUSED:

C.RAVEENDRANATH S/O T.N.KUTTAN PILAI
TEACHER,MGM T.H.S, MUKHATHALA KULLAM RESIDING AT
THIRUMANGALATHU VEEDU, ENATHU VILLAGE, ENATHU CHERI, KOLLALM

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE

1. MADHUSOODANAN PILLAI, ELAVANAZHIKKATHU VEEDU, KIZHAVOOR MUKHATHALA KOLLAM

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

ADV: SRI.R.BALRAJ FOR R1
BY PUBLIC PROSECUTOR SRI.KAMMAPPU FOR R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR.J

Crl.R.P No.533 OF 2007

Dated this the 6th day of February 2007

ORDER

Heard. Admitted. Advocate Sri.B.Balraj takes notice for the first respondent. Public Prosecutor takes notice for the second respondent. Crl.Revision Petition itself is heard and disposed of as agreed to by both sides.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. They have filed Crl.M.A.No.1552/2007 seeking permission to compound the offence. Today I have allowed the application to compound the offence. So Crl.Revision Petition is only to be allowed.

In the result, Crl. Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of Negotiable Act are hereby set aside and he is acquitted under Section 320 (8) of Cr.P.C

K.PADMANABHAN NAIR.JUDGE

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K.PADMANABHAN NAIR.J

Crl.M.A.No.1552/2007 in Crl.R.P No.533 OF 2007

Dated this the 6th day of February 2007

ORDER

This is an application filed by the complainant under Section 147 of Negotiable Instruments Act read with Section 320 of Criminal Procedure Code seeking permission to compound the offence. The revision petitioner is the accused in C.C. 1825/2002 on the file of the Judicial First Class Magistrate's Court-II ,Kollam . The petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act convicted and sentenced to undergo simple imprisonment for a period of four months and to pay a fine of Rs. 5,000/- and in default of payment of fine to undergo simple imprisonment for another one month. Challenging the conviction and sentence the petitioner filed Crl.Appeal No. 234/2006. The learned Sessions Judge concurred with the findings of the Magistrate and dismissed the Crl.Appeal Hence this Crl.R.P is filed.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. It is stated that the respondent has no grievance against the petitioner and as such the parties may be permitted

to compound the offence. In view of the settlement arrived at between the parties the prayer in the Crl.M.A is only to be allowed.

In the result Crl.M.A is allowed. Permission sought for is granted and the the offence is compounded.

K.PADMANABHAN NAIR.JUDGE

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